

EXHIBIT A

EEOC Form 181-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Kimberly Lyons**
3806 Bensalem Blvd
Bensalem, PA 19020

From: **Philadelphia District Office**
801 Market Street
Suite 1300
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2017-02915**Legal Unit****(215) 440-2828***(See also the additional information enclosed with this form.)***NOTICE TO THE PERSON AGGRIEVED:**

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,
District Director

April 26, 2018*(Date Mailed)*

Enclosures(s)

cc:

Linda Busillo
Senior Legal Assistant Supervisor
PHILADELPHIA LAW DEPT
1515 Arch St, 16th Flr
Philadelphia, PA 19102

Gary Schafkopf, Esq.
SCHAFKOPF LAW
11 Bala Avenue
Bala Cynwyd, PA 19004

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To **Crystal Carter**
 6803 Horrocks Street
 Philadelphia, PA 19149

From **Philadelphia District Office**
 801 Market Street
 Suite 1300
 Philadelphia, PA 19107

☐ On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No

EEOC Representative

Telephone No

530-2018-03700

Legal Unit,
Legal Technician

(215) 440-2828

(See also the additional information enclosed with this form)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge
- ☐ The EEOC will continue to process this charge

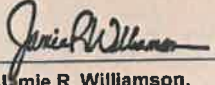
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required). EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Jamie R. Williamson,
 District Director

5/25/2018
 (Date Mailed)

Enclosures(s)

cc: **Linda Busillo**
 Sr. Legal Assistant Supervisor
 CITY OF PHILADELPHIA POLICE DEPARTMENT

EXHIBIT B

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
PENNSYLVANIA HUMAN RELATIONS COMMISSION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Ms. Crystal Carter		Home Phone (Incl. Area Code) 267-228-7529	Date of Birth 04/08/1969
Street Address 6803 N Horrocks St.		City, State and ZIP Code Philadelphia, PA 19149	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF PHILADELPHIA d/b/a PHILADELPHIA POLICE		No. Employees, Members 101-200	Phone No. (Include Area Code) 215-686-3390
Street Address 1515 Arch St, 16th FL		City, State and ZIP Code Philadelphia, PA 19102	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<u>A. Employment History and Harassment/Discrimination/Retaliation</u>			
<p>Claimant, Crystal Carter is a female African American adult individual who is a Police Officer assigned to the 39th District and resides in the Commonwealth of Pennsylvania. Claimant has been a Police officer with the PPD for 18 years or more and at all times relevant, has performed her duties of employment in a satisfactory manner. Prior to Claimant's involuntary transfer to be explained infra, Claimants had been a long-serving School Liaison Officer (the assignment is referred to hereinafter "School Liaison") which is an assignment where Claimant is required to be present in and around various schools in the Philadelphia School District that are located in the 39th District. As a School Liaison, Claimant has been held in high regard by schools, principal, students, superiors and fellow officers for successfully fostering positive relationships with the schools' students, teachers, administrators, as well as Philadelphia School District police officers.</p> <p>On or about May 17, 2017, Claimant and her partner jointly sent a memorandum ("Memorandum") to Commanding Officer to inform him of their concerns regarding unfair and discriminatory employment practices, including inappropriate and harassing behavior that Claimant and her partner have suffered at the hands of several white male officers and supervisors. Claimant copied the Guardian Civic League on the Memorandum and requested that there be a fair and swift resolution to the unjust treatment they have endured. The subject line of the Memorandum reads as follows: "DISPARITY OF TREATMENT OF AFRICAN AMERICAN FEMALES."</p>			

Subsequent to said opposition, Respondents have retaliated against Claimant by subjecting her to adverse actions, including but not limited to the following:

- a. On or about October 18, 2017, Commanding Officer falsely disciplined Claimant Police Officer Carter by issuing a counseling memorandum to her for an alleged infraction that occurred on or about August 10, 2017. Commanding Officer waited several months to reprimand Claimant Police Officer Carter for allegedly failing to respond to a single radio request. Claimant believes and therefore swears that she did not miss any such request but followed all rules and protocols in handling same.
- b. Commanding officer purposefully delayed Claimant Officer's transfer requests to Neighborhood Services, which is also in the 38th District.
- c. On or about August 8, 2017 for no valid reason, Commanding Officer involuntarily transferred Claimant Officer to a new squad, effective September 4, 2017. In connection with this new squad, Claimant was transferred away from her schools.
- d. Upon information and belief, said squad transfers also constituted constructive denial of Claimant Officer's aforementioned transfer requests.
- f. Commanding Officer has encouraged white male superiors and/or peers to treat Claimant Officer in disrespectful, humiliating, and unjustified matter in front of others thereby creating an extremely hostile environment.

Respondent's conduct compromises the integrity of the 38th District, the PPD and justice system whose protections are guaranteed by the Constitutions of the United States as well as the Commonwealth of Pennsylvania.

Additionally and/or in the alternative, Commanding Officer has and continues to foster a racially hostile work environment by intentionally targeting and discriminating against police officers on account of their gender and race.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <u>4/25/18</u> Date </div> <div style="text-align: center;">  Charging Party Signature </div> </div>	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: (month, day, year)

EEOC Form 5 (501)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: _____ Agency(ies) Charge No(s) _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
_____ and EEOC State or local Agency, if any	
THE PARTICULARS ARE: (if additional paper is needed, attach extra sheet(s))	

B. Respondents

1. Respondent, City of Philadelphia, doing business as the Philadelphia Police Department ("PPD"), is a municipality, duly organized and existing under the laws of the Commonwealth of Pennsylvania, with an address for service at the above captioned address.
2. Respondent, Anthony Ginaldi, is a white male adult individual who, at all times material herein, was employed as a Captain and Commanding Officer for the 39th District of the PPD. Respondent is sued both individually and in his official capacity.
3. Respondents, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Respondents in each and every count and averment listed above and below.

C. Statutes Violated

1. **CIVIL RIGHTS VIOLATION-42 U.S.C. § 1983-RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, HOSTILE WORK ENVIRONMENT, AND DISCRIMINATION ON THE BASIS OF GENDER AND RACE** - Respondents took the aforementioned adverse actions against Claimant in retaliation to Claimant's Memorandum and complaints of gender and racial discrimination, which subjected Claimant to the above referenced discriminatory, hostile and intimidating environment to severe degree that there is a crisis of gender and racial discrimination in the 39th District. As a result of Respondents' actions as aforesaid, Respondents have denied Claimant the right to the same terms, conditions, privileges and benefits of her employment agreement with the City of Philadelphia Police Department, in violation of 42 U.S.C. § 1981. Such violation of 42 U.S.C. § 1981 is actionable against the City of Philadelphia, a municipal entity, pursuant to 42 U.S.C. § 1983.
2. **Title VII** - Title VII of the Civil Rights act prohibits employers from discrimination against employees on the basis of including but not limited to sex, race, color and national origin. By committing the foregoing acts of discrimination against Claimant, Respondents have violated Title VII.
3. **Pennsylvania Human Relations Act (PHRA) Violation- Race Discrimination** - The PHRA prohibits certain practices of discrimination on the basis of including but not limited to race, color, ancestry or national origin. Respondents', by the above improper and retaliatory acts, have violated the PHRA.
4. **Philadelphia Fair Practices Ordinance (PFPO) Violation** - The PFPO prohibits certain practices of discrimination on the basis of including but not limited to race, color, ancestry or national origin. Respondents', by the above improper and retaliatory acts, have violated the PFPO.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

4/25/18

Crystal Carter

CHARGE OF DISCRIMINATION <small>This form is adopted by the Civil Rights Act of 1978. It is designed to help you file a charge of discrimination and other complaints. (Please complete this form.)</small>		Charge Presented To: Agency(ies): Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Pennsylvania Human Relations Commission and EEOC <small>State or Local Agency, if any</small>			
Name (Print or Type): Ms. Kimberly Lyons		Home Phone (Print or Type): 215-788-5101	Date of Birth: 02/02/1970
Street Address: 3800 Bensalem Blvd.		City, State and ZIP Code: Bensalem, PA 19020	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency that I believe discriminated against me or others. (If more than one, list under PARTICULARS below.)			
Name: CITY OF PHILADELPHIA d/b/a PHILADELPHIA POLICE		No. Employees, Members: 101-200	Phone No. (Include Area Code): 215-686-3300
Street Address: 1515 Arch St. 16th FL		City, State and ZIP Code: Philadelphia, PA 19102	
Name: None		No. Employees, Members: None	Phone No. (Include Area Code): None
Street Address: None		City, State and ZIP Code: None	
DISCRIMINATION BASED ON (Check appropriate box(es)): <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below):		DATE(S) DISCRIMINATION TOOK PLACE: Earliest: _____ Latest: _____ <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheets): Please see the Federal Complaint filed on behalf of Crystal Carter and Kimberly Lyons against the Philadelphia Police Department on March 13, 2018, attached hereto as Exhibit A.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge. In accordance with their procedures, I declare under penalty of perjury that the above is true and correct.		NOTARY - (When necessary for State and Local Agency Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT:	